

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

Tri Harbor Holdings Corporation (f/k/a Aceto Corporation), et al.¹

Liquidating Debtor.

Case No.: 19-13448 (VFP)

Chapter: 11

Judge: Hon. Vincent F. Papalia

RESPONSE IN SUPPORT OF PENDING APPLICATION FOR APPROVAL

The New Jersey Department of Environmental Protection (“NJDEP”) respectfully submits to the Court this response in support of the pending application to approve the Consent Order that was lodged in this matter on February 22, 2021. The Consent Order addresses the liabilities of the Liquidating Debtors under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 *et seq.* (“CERCLA”) and the New Jersey Spill Compensation and Control Act (“Spill Act”), N.J.S.A. 58:10-23.11 to -23.24, (“Spill Act”) in connection with the Berry’s Creek Study Area (“BCSA”) operable unit of the Ventron/Velsicol Superfund Site, located in Bergen County, New Jersey and a 12.3-acre parcel of property located at 511 13th Street in Carlstadt, New Jersey (the “Carlstadt Property” or “Former Arsynco Facility”), collectively the “Sites”. The Consent Order provides for distributions of all remaining assets in the Estate available for distribution to holders of general unsecured claims, which assets

¹ The Liquidating Debtors in these chapter 11 cases and the last four digits of each Liquidating Debtor’s taxpayer identification number are as follows: Tri Harbor Holdings Corporation (f/k/a Aceto Corporation) (0520); Tri Harbor Chemical Holdings LLC (f/k/a Aceto Agricultural Chemicals LLC, f/k/a Aceto Agricultural Chemicals Corporation) (3948); Tri Harbor Realty LLC (f/k/a Aceto Realty LLC) (7634); Kavod Pharmaceuticals LLC (f/k/a Rising Pharmaceuticals, LLC, f/k/a Rising Pharmaceuticals, Inc.) (7959); Kavod Health LLC (f/k/a Rising Health, LLC) (1562); Kavris Health LLC (f/k/a Acetris Health, LLC) (3236); KAVACK Pharmaceuticals LLC (f/k/a PACK Pharmaceuticals, LLC) (2525); Arsynco, Inc. (7392) (“Arlynco”); and Acci Realty Corp. (4433).

total approximately \$539,000 (“the Remaining Assets”). The NJDEP, together with the United States, will receive all but \$4,119.25 of the Remaining Assets. The distributions to the NJDEP and the United States concern the allowed general unsecured claims by the NJDEP and the United States for the recovery under CERCLA and/or the Spill Act of: (i) response costs incurred or to be incurred by the United States; and (ii) natural resource damages and assessment costs at the Sites.

The NJDEP published notice of the proposed Consent Order in the New Jersey Register on March 15, 2021. 53 N.J.R. 434(a). That notice informed the public that comments concerning the proposed Consent Order could be submitted to the Chief of NJDEP’s Office of Natural Resource Restoration within sixty days thereof. The public comment period ended on May 14, 2021. No comments were received.

The NJDEP believes that the proposed Consent Order is fair, reasonable, and consistent with the purposes of CERCLA and the Spill Act. Further, because the proposed Consent Order meets the legal standard for judicial approval of settlement agreements, as set forth in the United States’ Response in Support of Pending Application for Approval (Doc. 1448), the NJDEP respectfully supports the pending application before the Court to approve the proposed Consent Order as a final judgment.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

Date: June 3, 2021

By: /s/ Buffy L. Wilson
Buffy L. Wilson, Deputy Attorney General